

LEVINE & ASSOCIATES, P.C.

~~ATTORNEYS-AT-LAW~~

**15 Barclay Road
Scarsdale, New York 10583-2707
e-mail: ml@LevLaw.org
Fax (914) 725-4778
Telephone (914) 600-4288**

September 22, 2022

Via ECF and E-mail

Hon. Sean H. Lane, U.S.B.J.
300 Quarropas Street
White Plains, NY 10601-4140

RE: Congregants of Mosdos v. Mosdos (21-07023)

Dear Judge Lane:

The undersigned is counsel for Chofetz Chaim Inc. (“CCI”) and co-counsel with Tracy Klestadt, Esq. to Congregation Radin Development, Inc. (“CRDI”), both defendants in the above-referenced matter. As the Court is aware, a hearing on the motion by Rabbi Mayer Zaks and other contemnors to extend the stay “pending appeal” of this Court’s [Hon. Robert D. Drain’s] April 14, 2022 Second Enforcement Order was argued before this Court on September 9, 2022. At the conclusion of the hearing, this Court reserved decision on the motion and subsequently indicated that a bench ruling was intended to be issued by the end of this month.

We write to inform your Honor that the District Court [Hon. Philip M. Halpern] today issued a Memorandum Opinion and Order affirming the Second Enforcement Order in all respects. A copy of the same is annexed for the Court’s edification. Although we continue to press our position that a stay extension was not appropriate even while an appeal to the District Court was pending, we believe that this affirmance and termination of the appeal conclusively establishes that a “stay pending appeal” is moot at this point. Therefore, we renew our request that this Court forthwith issue an Order directing the Writ of Assistance in the (modified) attached form.

Thank you for your attention.

Respectfully,

s/ *Michael Levine*

MICHAEL LEVINE

cc. All counsel (via ECF and email).